

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Applicant thanks the Examiner for total consideration given the present application. Claims 1-20 are pending prior to the Office Action. Claims 21-22 have been added and claim 3 has been canceled through this reply. Therefore, claims 1-2 and 4-22 are pending. Claims 1, 4, 6, and 10 are independent. Applicant respectfully requests reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seeks timely allowance of all pending claims.

Allowable Subject Matter

Applicant further appreciates that claims 3, 11, and 17 are indicated to define allowable subject matter.

OFFICIAL ACTION

Claim Rejection - 35 U.S.C. § 102(e)

Claims 1-2, 4, 6-10, 13, 15-16, 18 and 20 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated over Kelton et al. (U.S. Patent Publication No. 2003/0231655). Applicant respectfully traverses this rejection.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02*. Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Kelton fails to teach or suggest each and every claimed element.

Claims 1-2, 9, 11, and 16-17 allowable as indicated by the Examiner:

Independent claim 1 has been amended to include claim 3, thus claim 1 is clearly allowable.

Claims 2, 9, 11, and 16-17 are dependent on independent claim 1, therefore, includes all the limitations of independent claim 1. Thus, Applicant submits that claims 1-2, 9, 11, and 16-17

are allowable at least by virtue of its dependency on claim 1. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claim 10 is allowable:

Independent claim 10 has been amended to include the features of claim 3, thus claim 10 is clearly allowable.

Features of claims 4 and 6 not taught:

Independent claims 4 and 6 have been amended to include additional limitations, claims 4 and 6 now recite, *inter alia*, “a compression rate switching unit changing a compression rate of the video data according to results of the analysis by the reception status analyzing unit.”

Emphasis added. Applicant respectfully traverses the rejection of claims 4 and 6 as amended to include the additional limitations for the following reasons:

Kelton discloses dynamic data rate adjustment of a wireless transport channel but does not disclose a compression rate switching unit changing a compression rate of the video data according to results of the analysis by the reception status analyzing unit.

Claim Rejection - 35 U.S.C. § 103(a)

Claims 5, 12, 14 and 19 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kelton (U.S. Patent Publication No. 2003/0231655) in view of Bourne (U.S. Patent Publication No. 2004/0218672). Applicant respectfully traverses this rejection.

Bourne discloses a video transmission system employing an encoding/decoding mechanism. Bourne further discloses using compression; however, Bourne does not disclose a compression rate switching unit changing a compression rate of the video data according to results of the analysis by the reception status analyzing unit.

Claims 5, 12, 14 and 19 are dependent on independent claim 4, therefore, includes all the limitations of independent claim 4. Thus, Applicant submits that claims 5, 12, 14 and 19 are

allowable at least by virtue of their dependency on claim 4. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

Therefore, for at least these reasons, all claims are believed to be distinguishable over the combination of Kelton and Bourne, individually or in any combination. It has been shown above that the cited references, individually or in combination, may not be relied upon to show at least these features. Therefore, claims 1-2 and 4-20 are distinguishable over the cited references.


In view of the above amendments, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned, at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: April 4, 2008

Respectfully submitted,



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